

State of Colorado



Bill Owens
Governor

Stacy L. Worthington
Board Director

DPA

Department of Personnel
& Administration

State Personnel Board
The Chancery
1120 Lincoln St., Suite 1420
Denver, Colorado 80203
Phone (303) 764-1472
Fax (303) 894-2147

AGENDA PUBLIC BOARD MEETING November 18, 2003

A public meeting of the State Personnel Board will be held on Tuesday, November 18, 2003, at the Colorado Department of Public Health and Environment, 4300 Cherry Creek South Drive, Denver, Colorado 80246. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-764-1472 by November 13, 2003.

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I. REQUESTS FOR RESIDENCY WAIVERS

A. November 1, 2003 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS

There are no pending matters before the Board this month.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

A. Brandy Rogers v. Department of Public Safety, Colorado State Patrol, State Personnel Board case number 2003B072.

On July 3, 2003, the Initial Decision of the Administrative Law Judge was issued. Respondent's Opening Brief was filed on October 23, 2003. Complainant's Response Brief was filed on November 3, 2003. Respondent's Reply Brief was filed on November 6, 2003.

B. Jeffrey Verhey v. Department of Revenue, Taxpayer Services, State Personnel Board case number 2003G129.

On July 1, 2003, an Order Granting Respondent's Motion to Dismiss for Lack of Jurisdiction was issued. Complainant's Opening Brief was filed on October 15, 2003.

Pursuant to an Order Regarding Respondent's Motion to Dismiss Appeal, Complainant resubmitted his Opening Brief to the Board on October 31, 2003. On November 3, 2003, the Order Denying Respondent's Motion to Dismiss Appeal was issued, directing Respondent to file a brief.

- C. Sam Biondolillo v. Department of Corrections, Centennial Correctional Facility, State Personnel Board case number 2003G140.

On July 15, 2003, an Order of Dismissal was issued. Although Complainant appealed the Order of Dismissal, no briefs were filed.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

- A. Kem Reliford v. Department of Transportation, State Personnel Board case number 2003G128.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's termination of Complainant's probationary employment. On October 15, 2003, a Preliminary Recommendation of the Director was issued, recommending that a hearing be granted solely on the issue whether the asserted reasons for termination were pretext for race discrimination.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR

- A. Frances Moore v. Department of Human Services, Lookout Mountain Youth Service Center, State Personnel Board case number 2003B112.

On October 26, 2003, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's disciplinary termination of Complainant was not arbitrary, capricious or contrary to rule or law, and ordered that Respondent's action is rescinded and Respondent is ordered to reinstate Complainant with back pay and benefits to the date of termination. On October 30, 2003, the ALJ issued an Amended Initial Decision, pursuant to a Protective Order entered by the ALJ, mandating that the identities of all juveniles at Lookout Mountain remain confidential.

- B. Debra A. Betancourt and Lynda Pauley v. Department of Human Services, Colorado State Veterans Center, State Personnel Board case number 2003B222(C).

On November 6, 2003, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's disciplinary reductions of Complainants' pay were not arbitrary, capricious or contrary to rule or law, and ordered that both of Respondent's disciplinary actions are affirmed.

VI. REVIEW OF THE MINUTES FROM THE OCTOBER 21, 2003 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS OCTOBER 21, 2003 PUBLIC MEETING:

- A. Kevin Harvey v. Department of Human Services, Division of Youth Corrections, Mount View Youth Service Center, State Personnel Board case number 2002G129.

The Board voted to adopt the Dismissal Order, the findings of fact and conclusions of law in the Initial Decision and Order Denying Respondent's Request for Attorney Fees, and the Initial Decision of the Administrative Law Judge.

- B. Leona M. Olquin v. Department of Transportation, Materials and Geotechnical Branch, State Personnel Board case number 2003G100.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- C. Kevin Harvey v. Department of Human Services, Division of Youth Corrections, Mount View Youth Service Center, State Personnel Board case number 2003G111.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- D. Gayle Marie Ross v. Department of Corrections, Denver Women's Correctional Facility, State Personnel Board case number 2003G122.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- E. Ennio Daniel v. Department of Public Health and Environment, State Personnel Board case number 2003G065.

The Board voted to adopt the Preliminary Recommendation of the Director and deny the petition for hearing.

- F. Carol Roberson v. Regents of the University of Colorado, University of Colorado Health Science Center, State Personnel Board case number 2002G064.

The Board voted to adopt the Preliminary Recommendation of the Director and deny the petition for hearing.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Mandate in Sanchez v. Department of Corrections, State Personnel Board case number 2003G067, Court of Appeals No. 03CA1008

B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

A. Case Status Report

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NEXT REGULARLY SCHEDULED BOARD MEETINGS
9:00 a.m.

<u>Date</u>	<u>Location</u>
*December 16, 2003	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
January 20, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
February 17, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
March 16, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
April 20, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
May 18, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
June 15, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222

* ***PLEASE NOTE LOCATION OF BOARD MEETINGS FOR NOVEMBER & DECEMBER 2003.***